

Entered - 03-9-04 - sb  
CL 04L0163 - GWENDOLYN BURNS

CLAIM OF: **SEAN T. CASEY**  
119 Howard Street  
Atlanta, Georgia 30317

04- *R* -1321

**ADOPTED BY**  
AUG 16 2004  
**COUNCIL**

For property damages alleged to have been sustained to a retaining wall when improper footing was place underneath it during the replacement of a sidewalk on August 22, 2003 at 119 Howard Street, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **SEAN T. CASEY** the sum of **\$4,389.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained to a retaining wall when improper footing was place underneath it during the replacement of a sidewalk on August 22, 2003 at 119 Howard Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY

BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**APPROVED**

  
AUG 24 2004  
**MAYOR**

**FAVORABLE REPORT**

**PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

DATE: 7/27/04

CHAIR: \_\_\_\_\_

Shirley Franklin

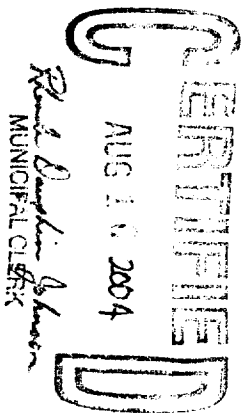
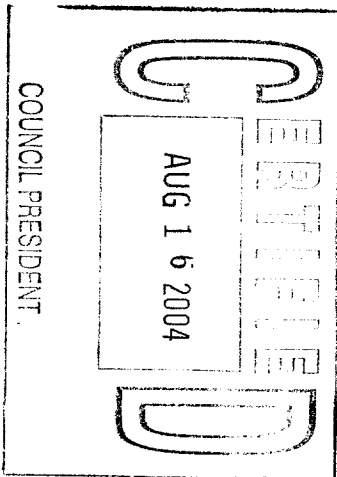
Wayne Harrison

Charles H. Johnson

C. T. Martin

\_\_\_\_\_

\_\_\_\_\_





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1321**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Sean T. Casey** in the sum of **\$4,389.00** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained to a retaining wall when improper footing was placed underneath it during the replacement of a sidewalk, on August 22, 2003 at 119 Howard Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Phonda Daughtrie Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

AUG 16, 2004  
AUG 20, 2004

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0163

Date: July 15, 2004

Claimant /Victim SEAN T. CASEY  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 119 Howard Street, Atlanta, Georgia 30317  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 9,600.00 Bodily injury \$ \_\_\_\_\_  
Date of Notice: 2/25/03 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 8/22/04 Place: 119 Howard Street  
Department PUBLIC WORKS Division \_\_\_\_\_ Street Operations \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant sustained property damages when inadequate footing was place underneath his retaining wall during the removal and replacement of a sidewalk. An investigation determined that the wall was struck by a back-hoe tractor and the City failed to place adequate footing underneath the retaining wall during the removal of the sidewalk which added to the severe cracking of the wall.


### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ 4,389.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 07/15/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5937  
8/16/04  
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-14 EXCEPT:04-R-1339  
04-R-1391  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		8-16-4 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 04-O-1375 2. 04-O-1206 3. 04-O-1209 4. 04-O-1354 5. 04-O-1357 6. 04-O-1366 7. 04-O-0437 8. 04-O-1350 9. 04-O-1351 10. 04-O-1368 11. 04-O-1247 12. 04-O-1221 13. 04-R-1372 14. 04-R-1273 15. 04-R-1388 16. 04-R-1402 17. 04-R-1403 18. 04-R-1404 19. 04-R-1304 20. 04-R-1392 21. 04-R-1393 22. 04-R-1394 23. 04-R-1395 24. 04-R-1396 25. 04-R-1397 26. 04-R-1398 27. 04-R-1355 28. 04-R-1356 29. 04-R-1373 30. 04-R-1308 31. 04-R-1309 32. 04-R-1310 33. 04-R-1311 34. 04-R-1349 35. 04-R-1367 36. 04-R-1370 37. 04-R-1312 38. 04-R-1313 39. 04-R-1315 40. 04-R-1316	41. 04-R-1317 42. 04-R-1400 43. 04-R-1320 44. 04-R-1321 45. 04-R-1322 46. 04-R-1323 47. 04-R-1324 48. 04-R-1325 49. 04-R-1326 50. 04-R-1327 51. 04-R-1328 52. 04-R-1329 53. 04-R-1330 54. 04-R-1331 55. 04-R-1332 56. 04-R-1333 57. 04-R-1334 58. 04-R-1335	59. 04-R-1336 60. 04-R-1337 61. 04-R-1338 62. 04-R-1340 63. 04-R-1341 64. 04-R-1342 65. 04-R-1343 66. 04-R-1344 67. 04-R-1345 68. 04-R-1346 69. 04-R-1347 70. 04-R-1348